Document Log

From	To
Kathleen Mayo/R5/USEPA/US	tledder@ncis.net
CC	**BCC**
Subject	**Date/Time**
Re: Intro Paragraph, Bad River	04/20/2000 09:56 AM

Document Body

Hi Tracey,

Thanks for the invite for lunch, and I'd like to meet your husband someday, but unfortunately I'll be at the christening/commissioning ceremony from 9-12 and then I'm visiting former colleagues after that. I used to work there and still miss that area very much. I have been going to Lake Superior since I was a kid and I'm still drawn back to that big lake for some reason. Oh well.... perhaps some day I'll go back.

Hey, I have some news on your permit situation that you probably already know, but just in case you don't: Cathy Scudieri, Environmental Engineer from the permits branch will be visiting Bad River to discuss the permits. She'll be there May 2-4 and will be meeting with Paul Gordon. Hopefully you can get all of your questions answered!

I'm going to answer your first antidegradation question below and I'm working on the second one with another person. Here's my response to your question: What's the difference between and ONRW and an OTRW?

It depends on how you define OTRW. Some Tribes call their waters OTRW and define it to be consistent with ONRW (tier III) which allows no degradation whatsoever. Oneida has all their water bodies classified as OTRW, however they define it to be consistent with high quality waters where some water quality lowering is allowed for important economic or social development (tier II). Remember, for this classification, high quality waters can only be lowered to the existing uses level (tier I), and only for social or economic benefits. What we'll be checking for here at EPA is that you have something roughly equivalent to our requirements in the regulations.

And, actually your questions brings up something I wanted to ask you about your classifications. For Bad River I have the following antidegradation classifications: Anishinaabosibiing, Chiminosibii, and Manominikanning. Manominikanning is clearly equivalent to EPA's ONRW description (tier III), Anishinaabosibiing appears to be equivalent to tier II (high quality that allows some lowering), however I'm having trouble explaining Chiminosibii in the preamble and having it fit within EPA's antidegradation classifications. Essentially, it looks to be something of a tier II 1/2. This would mean that they are exceptional waters something like Manominikanning, but you'll allow lowering of water quality as long as it does not result in a change in background conditions. Is this your intent to have a tier II 1/2? If so, when will you allow the lowering of water quality - only for important social and economic development? Or, for anything as long as it doesn't change background conditions? Also, will you require an antidegradation demonstration and decision consistent with 40 CFR 132 before a lowering is allowed?

I'll be able to send you a response on the bacteria criteria later on today. Did you have a question on the fish hatchery below? Or, should I just ask Cathy to bring out the info for you when she visits?

tledder@ncis.net on 04/19/2000 01:04:20 PM

tledder@ncis.net on 04/19/2000 01:04:20 PM

Please respond to tledder@ncis.net

To: Kathleen Mayo/R5/USEPA/US@EPA
cc:

Subject: Intro Paragraph, Bad River

Kathy,

Attached is a revised copy of your intro, looks simple enough we just added a few things.

Then I had some questions -

For discussion with Tribal Council - what is the difference between an Outstanding National Resource Water and an Outstanding Tribal Resource Water, is there any significance difference? We will be deciding to use the Ojibwe language or the standard language.

Among the studies since 1984 used by EPA to determine the new biological criteria there were only two freshwater studies. One in Canada found stapylococcus to be the best indicator of gastrointestinal illness and one in France found a good relationship between swimming related illness and fecal coliform concentrations (the strongest relationship was between gastrointestinal and fecal enterococci). My question is why did the USEPA focus on only gastrointestinal disease. We have a number of small children who are asmatic and may be more susceptible to respiratory infections due to wastewater contamination? We use fecal coliform densities currently as an indicator of wastewater contamination in general. The Implementation guidance states that swimming in feces-polluted water can be bad for your health. All we basically want to know is if the water has some source of contamination from wastewater.

The Fish Hatchery currently does not have a permit and the Fisheries Specialist believes this is because of its small size. The are raising wall-eye fry for the first period and then sturgeon. There is a new rearing pond though. We do not currently have federal or state information that describes what the permit limits are or what size facility is included.

We have a special meeting with Council April 26th to decide on the "tailored" option draft, revisions or drop. Unfortunately only one of the the current Council members have attended the two meetings I have held that discussed WQS (Its going to be a long meeting).

Tracey Ledder
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